

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 13, 2006

CALL TO PODIUM:

Fred Felton
Assistant City Manager

RESPONSIBLE STAFF:

Fred Felton
Assistant City Manager
Britta Monaco,
Public Information Director
Peter Cottrell
Information Technology Director

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input checked="" type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Notification Requirements for Various Hearings and Reviews

SUPPORTING BACKGROUND:

During the discussions on the Communications Strategic Direction during the recent Strategic Planning Retreat, the Mayor and City Council had a brief discussion as to whether the public had adequate advanced notification prior to various hearings and reviews.

The attached chart indicates the legal requirements for newspaper advertisements, direct mailings, and sign postings for various proceedings. As you can see, these notifications requirements are established by a variety of sources including the City Charter, a number of provisions of the City Code, and State law. During the course of the work session, staff will provide an overview of these requirements.

In addition to those who receive notifications as required by statute, 533 individuals and organizations have signed up to receive email agendas via myGaithersburg and 17 civic organizations and 8 individuals still receive agendas in the mail every two weeks.

Additionally, there was some discussion at the Strategic Planning retreat about how accessible information was to the public. Several years ago, staff began placing background material for all major Mayor and City Council agenda items on the City's website. As of January 2006, City Manager Humpton has mandated that the background material for all the Mayor and City Council agenda items be placed on the City's website. Additionally, background material for Planning Commission and Board of Appeals agenda items are now being placed on the City's website.

As the Mayor and City Council are aware, the records for many actions before the Mayor and City Council span numerous Council meetings and can remain open for months or even years in some cases. To assist the public in keeping abreast of the issue with easy access to the background information, staff is in the process of exploring a "docket system" which could be accessed via the City's website that would make all background material and public comment on a given proceeding easily available for review.

Attachment

DESIRED OUTCOME:

Hear presentation, and provide guidance as appropriate.

**Notification Chart
(Public Hearing/Legal Ad)**

Type of Hearing	Legal Ads/Notices of Public Hearing	Signs	Whom to Notify
Abandonment City Code §§ 19-20, 19-21	One Legal Ad at least 10 days before hearing Notice of Public Hearing at least 15 days before the hearing date.	15 days before hearing	Owners of property that abuts concerned right-of-way. Mo.Co. DOT Director, MNCPPC, WSSC, all public utilities doing business in the City and other parties of interest
Annexation Appendix F, 25 of City Code. Article 23 Art. 23A MD. State Code § 19.	PC: One Legal Ad 15 days prior to hearing - Hearing not required by Code. MC: Legal Ad advertised twice if equal/less than 25 acres. Advertise 4 times, if greater than 25 acres, at not less than weekly intervals with at least one Ad appearing at least 15 days before hearing. Public hearing may be continued or rescheduled not to exceed 30 days beyond the date of the hearing. Continuance/rescheduling: One Notice 7 days prior to rescheduled or continued date	City Policy: 15 days before PC Hearing and then again 15 days before MC Hearing	Required: Mo.Co., State Planning. City Policy: adjacent property owners within 200 ft.
Board of Appeals Special Exception & Variance City Code § 24-188(e)	One Legal Ad 15 days before hearing date Notice of Public Hearing mailed 15 days before the hearing date.	15 days prior to hearing	Petitioner, property owner, all abutting and confronting property owners
Board of Appeals Administrative Appeal City Atty. Abrams Opinion: 12/8/1986	Legal Ad at staff's discretionary decision Notice of Public Hearing mailed to Petitioner. Staff to determine others to receive notice "Good Practice": immediately adjoining & confronting property owners.	Staff's decision based on nature of appeal No legal ad requirement per Code	Petitioner must be notified of Hearing. List of property owners within 200 ft. is submitted for all applications; however, staff decides if the mailing is necessary
Historic Area Work Permit City Code § 24-228.1(d)	One Legal Ad not less than 7 days before Public Hearing Notice of Public Hearing mailed not less than 7 days before hearing.	Not less than 7 days before Hearing	Petitioner, property owners within 200 ft. civic associations in that area, private preservation group in City
Historic Designation City Code § 24-226(a), follow procedures for local map amendments Art. 8 § 24-196(e)-196(e)	One Legal Ad once a week for 2 successive weeks; First Ad at least 14 days before Hearing. §24-196(f) Notice of Public Hearing mailed 14 days before Hearing.	Post within 5 days of application filing at least 14 days before Hearing	Property owners in within 200' 200. State historic preservation agency, private preservation groups in City, civic associations in that area
Master Plan	At least one Notice of Public Hearing given by one publication of general circulation in the jurisdiction Art 66B § 3.07		Chamber of Commerce, civic associations, Mo.Co. Board of Realtors, Suburban Md. Bldg. Industry Assn., and affected trade association or public utility, and persons requesting notice.

Type of Hearing	Legal Ads/Notices of Public Hearing	Signs	Whom to Notify
MXD Zone (Sketch Plans,SDPs, and Amendments thereto) *May be joint hearing City Code Sec. 24-160D.9 (2)	Legal ad not more than 30 days prior to hearing appearing for 2 successive weeks. First ad should appear at least 14 days prior to hearing. Continuance-no notice if meeting date is announced at advertised hearing.	Sign posted by applicant 5 days after submission of application	Adjacent and Abutting Property owners, within 200'. Chamber of Commerce, civic associations, Montgomery County Board of Realtors, Suburban Maryland Building Industry Association, and affected trade association or public utility.
CD Zone	Notice per Map Amendment, Legal Ad 2 successive weeks, 1 st ad appearing 14 days prior to hearing	Sign posted 5 days after application submitted	Property owners within 200' of property. Addresses supplied by applicant & checked with City list.
Site Plan Review	"Tentative" agenda mailed 9 days and posted in web prior to PC Meeting.	Posted 9 days prior to PC meeting. See Rules of Procedure Page 2.	All confronting and abutting property owners: HOA's and others at staff discretionary decision. See Rules of Procedure Page 3. Copy of plans to City DPW, City Permits and Inspection, PEPCO, Bell Atlantic, WSSC, Local Fire Dept, Montgomery Co DPW&T*, Md.SHA* * When applicable
Rezoning (Map Amendment) City Code Sec. 24196 (e,f,g)	Legal Ad 2 successive weeks, 1 st ad appearing 14 days prior to hearing Continuance - no notice if meeting date is announced at advertised hearing.	Sign posted 5 days after application submitted	Property owners within 200' of property. Addresses supplied by applicant & checked with City list.
Text Amendment City Code Sec. 24-196 (e,f,g)	Legal ad not more than 30 days prior to hearing appearing for 2 successive weeks. First ad should appear at least 14 days prior to hearing. Continuance - no notice if meeting date is announced at advertised hearing.	None	Chamber of Commerce, civic associations, Montgomery County Board of Realtors, Suburban Maryland Building Industry Association, and affected trade association or public utility.
Abandonments Chapter 19 of City Code	Legal Ad not less than 10 days prior to PH. Notice of PH - 15 days prior to PH	Post 15 days prior to the hearing	Owners of property which abut ROW, Mont. Col DOT, M-NCPPC, WSSC, all public utilities and persons within 200 feet
Charter Amendments Corporations Section 85 of City Charter	Legal Ad not less than 15 days prior to hearing.	None	No requirement
Surplus Land Article 23A - Corporations- Municipal, §24 of the Md. St. Code	20 day's public notice Legal Ad at least 20 days prior to hearing		